

C O N F I D E N T I A L

C19.00/17

DISCIPLINE

C19.00/17 - HOMOSEXUALITY AND GROSS INDECENCY - INVESTIGATION,
MEDICAL EXAMINATION, AND DISPOSAL

Investigation

(1) Immediately a person, subject to the Code of Service Discipline, becomes aware, or suspects that an act of a homosexual nature has taken place which involves serving personnel, dependants, or civilian employees, he shall report the matter to the CO.

(2) The CO, with the assistance of the SMO, shall investigate the report to determine whether it is an idle rumour. If the investigation tends to substantiate the report the CO shall:

- (a) call in the SIU to investigate further; and
- (b) if the SMO so recommends, refer the subject for psychiatric examination.

The investigations shall be conducted in such a manner that the subject will be caused the minimum embarrassment. If a woman is involved, questioning other than by the SMO shall be done in the presence of a woman officer, preferably a Nursing Sister, or a woman NCO.

Discipline

(3) Disciplinary action normally should not be taken. However COs shall consider such action particularly when the act takes place under circumstances that might scandalize other service members or lead to discredit on the RCAF. Service charges with respect to women personnel for homosexual offences shall not be laid.

(4) When a person, subject to the Code of Service Discipline, is convicted by a Civil Court under the Criminal Code, Section 147 (Buggery), 148 (Indecent Assault on a male or attempts to commit Buggery), and 149 (Gross Indecency) the certificate of conviction and all the facts pertaining to the conviction shall be forwarded to CHQ and AFHQ.

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Disposal

(5) RCAF policy does not allow retention of homosexuals in the Service and when it is decided that a person shall be released, action shall be taken as quickly as possible to effect the release with a minimum of publicity.

(6) When the investigations referred to above indicate with reasonable certainty that an act of a homosexual nature has taken place, the CO shall forward copies of the medical and SIU reports to CHQ, together with his recommendations. CHQ shall forward the reports with its recommendations to AFHQ for disposal action.

(7) Personnel are normally released under QR(Air), art 15.01, item 5(d), "Unsuitable for further service". However, when the release is a direct result of a conviction by a Civil Court or Service Tribunal consideration shall be given to release under QR(Air), art 15.01, item 2(a), "Unsatisfactory conduct".

(8) When a release is effected under this order the person shall be interviewed by the Area Social Welfare Officer, when practical, with a view to counselling and rehabilitation.

(C) (HQ C871-100-19.00/17)(DPA) (64)
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